IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34261 of 2007(D)

PETITIONER:

MOHANAN.K., S/O.KRISHNAN, MELAKKANDY HOUSE, CHEMBILODE, P.O.MOYYANCHERRY, KANNUR DISTRICT.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

1. BOARD OF TRUSTEES OF SREE MOOKAMBIKA KSHETHRAM REP. BY ITS CHAIRMAN, PALLIKKUNNU, KANNUR - 4.

2. THE ASSISTANT COMMISSIONER, THALASSERY DIVISION, HR & CE (ADMN), THALASSERY.

3. THE EXECUTIVE OFFICER, SREE MOOKAMBIKA KSHETHRAM, PALLIKKUNNU, KANNUR.

4. THE COMMISSIONER, HR & CE (ADMN) DEPARTMENT, KOZHIKODE.

5. THE DEPUTY COMMISSIONER, HR & CE, DEPARTMENT, KOZHIKODE.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.34261 of 2007 D

Dated this the 22nd day of November, 2007.

JUDGMENT

Petitioner was appointed as an Attender in Sree Mookambika Temple in Pallikkunnu, Kannur pursuant to Ext.P1 notification issued by the Board of Trustees. Petitioner was subjected to selection process. He was interviewed and he was appointed by the competent authority under Ext.P3. Accordingly, the post was sanctioned by the Government as evidenced by Ext.P4. Subsequently, by Ext.P6 order, the petitioner's services were terminated. This was challenged by the petitioner in appeal, revision and a review, but without success. Ext.P17 order has been challenged in this writ petition.

2. When the matter came up for consideration, learned counsel for the petitioner Mr.M.Ramesh Chander, submitted that it might be possible for the petitioner to challenge Ext.P17 order before the Government under Section 99 of

the Hindu Religious and Charitable Endowments Act.

3. On a perusal of the averments in the writ petition as also the provisions of the Act, I am of the view that the petitioner has an efficacious alternate remedy in relation to Ext.P17 before the Government under Section 99 of the Hindu Religious and Charitable Endowments Act.

4. In such circumstances, after hearing the learned Government Pleader also, the writ petition is disposed of permitting the petitioner to challenge Ext.P17 order before the Government under Section 99 of the Hindu Religious and Charitable Endowments Act within a period of eight weeks from today. If such a representation is received within a period of eight weeks from today, it will be treated as filed within time and the Government shall proceed to dispose of the same in accordance with law, after hearing the affected parties.

5. In the circumstances of the case, first respondent is directed not to make any permanent appointment in the post of Attender for a period of eight weeks from today. Continuance of the said position will depend upon any interim order, which the Government may pass in the revision to be filed before it.

Petitioner shall immediately produce a certified copy of this judgment before the 1st respondent for compliance.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge